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18 JUN 2007

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In re Application of
KAWASAKI et al.
Application No.: 10/588,283
PCT No.: PCT/JP04/13246
Int. Filing: 10 September 2004
Priority Date: 06 February 2004
Attorney Docket No.: S8810.0003/P003
For: METHOD OF MANUFACTURING THIN FILM,
METHOD OF MANUFACTURING P-TYPE ZINC
OXIDE THIN FILM AND SEMICONDUCTOR DEVICE

DECISION ON PETITION
UNDER 37 CFR 1.182

This application is before the PCT Legal Office for consideration of applicant's Statement under 37 CFR 1.497(d)(1) by Tomoteru Fukumura, requesting correction of the inventor's first name, which was filed on 26 April 2007 in the United States Patent and Trademark Office (USPTO) in the above-captioned application.

On 27 February 2007, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 26 April 2007, applicant filed a response to the 905 along with a declaration and a request to correct the inventor Tomoteru Fukumura's first name. Applicant explains the error in the inventor's first name is typographical. Applicant indicates that the correct inventor's name is Tomoteru Fukumura, rather than Tomoaki Fukumura as incorrectly indicated in the published international application, which was the result of a typographical error.

Applicants' explanation of the difference in inventor Tomoteru Fukumura's name is accepted and noted for the record. The Request to correct the typographical error in inventor's first name is GRANTED. No petition fee is required.

However, the declaration contains two Page 4s and is unacceptable as filed. It appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." See MPEP 201.03. What is required is one declaration where all inventors have signed or separate complete declarations. The requirements of 37 CFR 1.497 (a) and (b) have not yet been met and the declaration is unacceptable as filed.

Small Entity Statement

Effective November 7, 2000, 37 CFR 1.28(a) was amended to provide a three-month period (instead of the former two-month period) for requesting a refund based on later establishment of small entity status. As the Office now treats the receipt date of a deposit account charge authorization as the fee payment date (for refund purposes), any request for a refund under 37 CFR 1.28(a) must be made within three months from the date the charge authorization is received in the Office.

Applicant's small entity statement is noted for the record. However, no refund is given since the statement was made on 27 April 2007, more than 3 months after the date the charge authorization (4 August 2006) was received in the Office.

CONCLUSION

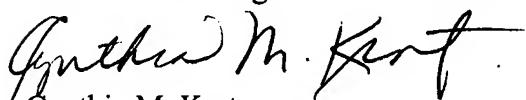
The Request to correct the typographical error in inventor's first name is **GRANTED**.

For the reasons set forth above, the declaration submitted on 27 April 2007 is unacceptable as filed. A newly executed declaration is required; either one declaration where all inventors have signed or separate complete declarations in compliance with 37 CFR 1.497(a) and (b).

Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within ONE (1) MONTH from the mail date of this Decision or the time remaining under the Notification of Missing Requirements.

This application will be held in the PCT Legal Office, Office of PCT Legal Administration to await applicant's further reply.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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